

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7302

BILL NUMBER: SB 206

DATE PREPARED: Apr 10, 2001

BILL AMENDED: Apr 9, 2001

SUBJECT: Child Pornography.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) It permits forfeiture of equipment used in preparing or disseminating child pornography or material harmful to minors. (B) It raises the penalty for possession of child pornography from a Class A misdemeanor to a Class D felony. (C) It raises the penalty for child exploitation from a Class D felony to a Class C felony. (D) It specifies that the laws concerning child exploitation, possession of child pornography, and obscenity and pornography apply to digitized images.

Effective Date: July 1, 2001.

Explanation of State Expenditures: Provisions B and C: State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. A Class C felony is punishable by a prison term ranging from two to eight years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months and the average length of stay for all Class C felony offenders is approximately two years.

Explanation of State Revenues: (Revised) Provision A could increase the amount of assets that the Indiana State Police could seize if the agency makes arrests involving equipment used in producing child pornography.

Provisions B and C: More revenue to the Common School Fund could be collected if a larger criminal fine

is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class C and Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: Provisions B and C: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: (Revised) Provision A could increase the amount of assets that local law enforcement agencies could seize if these agencies make arrests involving equipment used in producing child pornography.

Provisions B and C: No additional revenues would be expected since the court fees for a Class D, a Class C felony, and a Class A misdemeanor are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.